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Commissioner for Patents
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Alexandria, VA 22313-1450

By: Susan Jensen

Susan Jensen

PATENT

Attorney Docket No.: 20174C-012300US

Client Ref. No.: C112.210.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Stephen R. QUAKE et al.

Application No.: 09/800,435

Filed: March 5, 2001

For: COMBINATIONAL ARRAY FOR
NUCLEIC ACID ANALYSIS

Customer No.: 20350

Confirmation No. 2532

Examiner: Channing S. Mahaten

TC/AU: 1631

**PETITION FOR REVIVAL OF
UNINTENTIONALLY
ABANDONED APPLICATION
UNDER 37 C.F.R. § 1.137(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition that the above-referenced application be revived.

This application was unintentionally abandoned for failure to respond to an Office Action mailed from the U.S. Patent Office on February 17, 2004.

Pursuant to 37 C.F.R. § 1.137(b), Applicants provide the following to accompany this Petition that the application be revived:

1. The required reply to the outstanding Office Action is filed herewith in the form of a concurrently filed continuation application (filed January 5, 2005).

01/11/2005 BABRAHA1 00000041 201430 09800435

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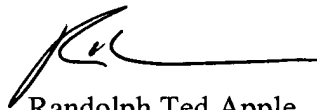
2. Authorization is hereby granted for withdrawal of the Petition fee set forth in §1.17(m) of \$1,500.00;
3. The entire delay in filing the required Reply, from the due for the Reply until the filing of this Petition, was unintentional;
4. As this Application was filed March 1, 2001, Applicants believe that no Terminal Disclaimer is required. If the U.S. Patent Office believes that a Terminal Disclaimer is warranted, the Patent Office is encouraged to contact Applicants' undersigned representative at (650) 326-2400..

As Applicants have complied with all requirements of 37 C.F.R. § 1.137(b) for revival of this unintentionally abandoned application, Applicants request the application be revived and advanced to issuance.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


Randolph Ted Apple
Reg. No. 36,429

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachment



Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	1,500
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Complete if Known

Application Number	09/800,435
Filing Date	March 5, 2001
First Named Inventor	Quake, Stephen R.
Examiner Name	Channing S. Mahaten
Art Unit	1631
Attorney Docket No.	20174C-012300US

PTO/SB/17 (10-04)

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/>	Check	<input type="checkbox"/>	Credit Card	<input type="checkbox"/>	Money Order	<input type="checkbox"/>	Other	<input type="checkbox"/>	None
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☒ Deposit Account:

Deposit
Account
Number

20-1430

Deposit
Account
Name :

Townsend and Townsend and Crew LLP

The Director is authorized to: *(check all that apply)*

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(S)0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X\$50 =	\$0
Independent Claims	<input type="text"/>	-3** =	<input type="text"/>	X\$200 =	\$0
Multiple Dependent				X <input type="text"/> =	

Large Entity		Small Entity		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

****or number previously paid, if greater; For Reissues, see above**

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,330	2453	665	Petition to revive – unintentional	1500
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)**

(\$)1500

SUBMITTED BY

Complete (if applicable)

<i>Name (Print/Type)</i>	Randolph Ted Apple	<i>Registration No. (Attorney/Agent)</i>	36,429	<i>Telephone</i>	650-326-2400
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Signature

Date
1/5/2005

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